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SAFECO INSURANCE COMPANY OF  
AMERICA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO AND OAKLAND DIVISIONS

KIRK LONG, individually, on behalf of all  
others similarly situated, and on behalf of the  
general public,

Plaintiff,

v.

SAFECO INSURANCE COMPANY OF  
AMERICA,

Defendant.

CASE NO.: C 07 2746

**[PROPOSED] ORDER GRANTING  
DEFENDANT SAFECO  
INSURANCE COMPANY OF  
AMERICA'S MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT FOR  
FAILURE TO STATE A CLAIM  
UPON WHICH RELIEF CAN BE  
GRANTED (RULE 12b(6) AND  
MOTION TO STRIKE (RULE 12(f))**

Date: September 11, 2007

Time: 9:30 a.m.

Dept: Courtroom 11

Before: Judge Martin J. Jenkins

1 The motion of defendant Safeco Insurance Company of America (“Defendant”) for an  
2 order dismissing Plaintiff’s Complaint (“Complaint”) came on regularly for hearing on  
3 September 11, 2007 at 9:30 a.m. before the Honorable Martin J. Jenkins. Having considered the  
4 papers in support of and in opposition to the motion, as well as having considered the oral  
5 arguments of the parties and the papers on file on this action and good cause appearing:

6 IT IS HEREBY ORDERED that Defendant’s motion to dismiss the Complaint is  
7 GRANTED in its entirety on the grounds that it fails to state a claim upon which relief may be  
8 granted.

9 IT IS FURTHER ORDERED that Defendant’s Motion to Strike is Granted as Requested.  
10 Accordingly, all references to jurisdiction under the Class Action Fair Act (28 U.S.C.  
11 § 1332(d)(2)) shall be stricken from the Complaint. In addition, all references requesting that  
12 Plaintiff’s collective action under the Fair Labor and Standards Act (“FLSA”) be treated as a  
13 class action under Federal Rules of Civil Procedure Rule 23 shall be stricken from the  
14 Complaint.

15 IT IS SO ORDERED.

16  
17 Dated:

THE HONORABLE MARTIN J. JENKINS  
UNITED STATES DISTRICT JUDGE